

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

PAUL PAINTER,

Plaintiff

v. Civil Action No.: 2:05-0632

SGS ENVIRONMENTAL SERVICES, INC.,
and STEVE JOHNSON, individually
and as an agent for SGS
Environmental Services, Inc.

Defendants

MEMORANDUM OPINION AND ORDER

Pending before the court is plaintiff's motion to remand, filed August 11, 2005, seeking to remand this case to the Circuit Court of Kanawha County.

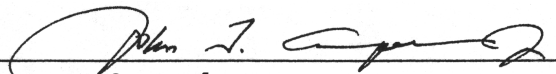
By order entered this same day in the companion case of Regina Dunlap v. SGS Environmental Services, Inc., et al.; Civil Action No.: 2:05-0631, the court granted a similar motion. Inasmuch as the claims of the plaintiff in this action are somewhat similar to Dunlap's claims in her action, and the legal arguments set forth in the briefing are identical, coupled with the lack of proof by a preponderance of the evidence that the requisite jurisdictional amount is present, the court adopts the rationale set forth in the order on the motion to remand filed in

Dunlap.

It is, accordingly, ORDERED that plaintiff's motion to remand be, and it hereby is, granted.

The Clerk is directed to forward copies of this order to all counsel of record.

DATED: November 17, 2005



John T. Copenhaver, Jr.
United States District Judge